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Attorney for Plaintiff,
JOHN E. KEATLEY,

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JOHN E. KEATLEY, Plaintiff, v. LOS ANGELES REVIEW OF BOOKS, and DOES 1-5, inclusive, Defendants.	Case No. ____________________ **COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF FROM COPYRIGHT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

Plaintiff John E. Keatley, for his Complaint against Los Angeles Review Of Books, and DOES 1-5, inclusive, Defendants, alleges as follows:

INTRODUCTION

1. John E. Keatley (hereinafter "Plaintiff"), by counsel, brings this action to challenge the actions of Los Angeles Review Of Books, and DOES 1-5, inclusive, (hereinafter "Defendants"), with regard to the unlawful use of his copyrighted image (hereinafter "Image") owned by Plaintiff, and this conduct

caused Plaintiff damages. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

2. For the purposes of this Complaint for Damages, unless otherwise indicated, "Defendant" includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendant(s) named in this caption.

JURISDICTION AND VENUE

3. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101, whereby the Defendants violated Plaintiff's exclusive rights as copyright owner pursuant to 17 U.S.C. §§ 106 and 106A.

4. This Court has personal jurisdiction over the Defendant due to Defendant's transactions or conduct pursuant to WA ST § 4.28.185 because Defendant committed a tortious act of copyright infringement within the state.

5. Venue is proper pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Plaintiff's claim occurred in this judicial district.

PARTIES

6. Plaintiff is a natural person who resides in the City of Seattle in the State of Washington and is a professional photographer by trade.

7. Plaintiff is a "copyright owner" who holds "exclusive rights" to his "copyrighted work[s]" pursuant to 17 U.S.C. §§ 101, 106, 106A.

8. Plaintiff is informed and believes, and thereon alleges, that Defendant, Los Angeles Review Of Books is a business entity residing in the City of Santa Monica, in the State of California, and conducted business within the City of Santa Monica, in the State of California.

9. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendant DOES 1-5, inclusive (the "Doe Defendants"), are not known to Plaintiff who therefore sues said DOE Defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that each of the DOE Defendants is legally responsible in some matter for the events and happenings herein referred to, and legally caused injuries and damages proximately thereby to Plaintiff as herein alleged.

10. Plaintiff is informed and believes, and thereon alleges, that Defendants are a business entity that unlawfully published one of Plaintiff's copyrighted works without Plaintiff's express or implied authority or by the method of a license.

FACTUAL ALLEGATIONS

11. At all times relevant, Plaintiff was an individual residing within the State of Washington and within this judicial district.

12. Plaintiff is informed and believes, and thereon alleges, that at all times relevant, Defendant was a business entity residing and conducting business in the State of California.

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13. Plaintiff is a professional photographer by trade. He photographs various models, actors and actresses and sells or licenses them to people and companies seeking to make use of the photographs for advertisements and pecuniary gain. Some of the notable subjects Plaintiff has worked with include Anthony Hopkins, comedian Greg Proops, philanthropist Bill Gates, and fellow photographer Annie Liebovitz. Plaintiff has been contracted to produce images for companies including Hotels Tonight, Hotels.com, and the Seattle Humane Society. Plaintiff's livelihood is dependent on receiving compensation for the photographs he produces.

14. Plaintiff took the Original Image; *See* Original Image attached hereto as "Exhibit A."

15. Plaintiff has ownership and copyright of the Image.

16. Plaintiff has registered the Image with the United States Copyright Office under Registration Number VA 1-970-426.

17. Plaintiff has provided notice to Defendants that the Image is subject to copyright and to cease use of the Image.

18. Plaintiff did not consent to authorize, permit, or allow in any manner the use of the Image by Defendants.

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19. Plaintiff is informed and believes that Defendants used Plaintiff's copyrighted work without his permission and that it published, communicated, benefited through, posted, publicized and otherwise held out to the public for commercial benefit, the original and unique work of Plaintiff without Plaintiff's consent or authority, and acquired monetary gain and market benefit as a result.

20. Plaintiff is informed and believes that Defendants used the Image on its business website http://lareviewofbooks.org/ from as early as April 16, 2016 until on or about August 23, 2016. *See* Screenshots of Defendants' use attached hereto as "Exhibit B."

21. As of March 24, 2017, Plaintiff's Image was still located and accessible on Defendant's website server located at http://lawreviewofbooks.org/ allowing for further public access and downstream infringement. *See* Current Screenshot attached hereto as "Exhibit C.

22. Defendants used the Image to promote Defendant's website.

23. Plaintiff did not consent to the use of his Image for commercial gain.

24. Plaintiff notified the Defendant of the infringement but Defendant was not interested in resolving the matter amicably with Plaintiff.

25. Plaintiff first notified the Defendant of the infringement on August 9, 2016 by sending Defendant a packet of information containing applicable screenshots of Defendant's use of the image on its website, as well as proof of ownership of the image and copyright by Plaintiff.

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26. Defendant was unresponsive to Plaintiffs attempts to settle this claim, and was unwilling to work with Plaintiff.

FIRST CAUSE OF ACTION

COPYRIGHT INFRINGEMENT

Title 17 of the United States Code

27. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

28. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original materials and/or work.

29. Plaintiff is informed and believes and thereon alleges that said Defendants infringed upon Plaintiff's copyrighted works in violation of Title 17 of the U.S. Code, in that it published, communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique work of the Plaintiff's consent or authority and acquired monetary gain and market benefit as a result.

30. As a result of each and every Defendants' violations of Title 17 of the U.S. Code, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to $150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c).

31. As a result of the Defendants' violations of Title 17 of the U.S. code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendants.

32. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants

- Awarding Plaintiff statutory damages in an amount up to $150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c);
- Awarding Plaintiff costs of litigation and reasonable attorney's fees, pursuant to 17 U.S.C. § 505;
- Enjoining the Defendants from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- Awarding any other relief the Court deems just and proper.

Dated: March 24, 2017

Respectfully submitted,

/s/ Mathew K. Higbee

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Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, John E. Keatley, hereby demands a trial by jury in the above matter.

Dated: March 24, 2017

Respectfully submitted,

/s/ Mathew K. Higbee

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